

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA, *ex rel.*

DAVID NISSMAN, Individually,

Plaintiff,

v.

**SOUTHLAND GAMING OF THE VIRGIN
ISLANDS, INC., SOUTHLAND AMUSEMENT
AND VENDING, INC., ROBERT HUCKABEE,
III, AND JOHN DOES NOS. 1-10,**

Defendants.

Civil Action No. 2011-0010

Attorneys:

David M. Nissman, Esq.,

St. Croix, U.S.V.I.

For Plaintiff

Bennett Chan, Esq.,

St. Thomas, U.S.V.I.

Jason C. Hicks, Esq.,

Mark N. Poovey, Esq.,

Washington, D.C.

For Defendants

ORDER

UPON CONSIDERATION of Defendant Southland Gaming of the Virgin Islands, Inc.’s “Motion to Dismiss and Strike” (Dkt. No. 28); Defendants Southland Amusement and Vending, Inc. and Robert Huckabee, III’s “Motion to Dismiss and Strike” (Dkt. No. 30); Defendants’ “Motion to Strike Plaintiff’s Declaration” (Dkt. No. 40); Defendants’ “Joint Motion for Hearing” (Dkt. No. 43); the parties’ respective Oppositions and Replies (Dkt. Nos. 37, 42, 44, 45), and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that Defendant Southland Gaming of the Virgin Islands, Inc.’s “Motion to Dismiss and Strike” (Dkt. No. 28) is **GRANTED** as it relates to subject matter jurisdiction (Federal Rule of Civil Procedure 12(b)(1)) and **DENIED** as it relates to striking the Complaint (Federal Rule of Civil Procedure 12(f)); and it is further

ORDERED that Defendants Southland Amusement and Vending, Inc. and Robert Huckabee, III’s “Motion to Dismiss and Strike” (Dkt. No. 30) is **GRANTED** as it relates to subject matter jurisdiction (Federal Rule of Civil Procedure 12(b)(1)) and **DENIED** as it relates to striking the Complaint (Federal Rule of Civil Procedure 12(f)); and it is further

ORDERED that Defendants’ “Motion to Strike Plaintiff’s Declaration” (Dkt. No. 40) is **DENIED, including for MOOTNESS**; and it is further

ORDERED that Defendants’ “Joint Motion for Hearing” (Dkt. No. 43) is **DENIED**; and it is further

ORDERED that this case is **DISMISSED**; and it is further

ORDERED that the Clerk of Court shall mark this case **CLOSED**.

SO ORDERED.

Date: March 31, 2016

_____/s/_____
WILMA A. LEWIS
Chief Judge